

OIPF JC106  
DEC 0 8 2002  
STATP  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenneth F. Buechler et al  
Title: HYBRID PHTHALOCYANINE  
DERIVATIVES AND THEIR  
USES  
Appl. No.: 09/776,599  
Filing Date: February 1, 2001  
Examiner: Maurie Garcia Baker  
Art Unit: 1627

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.  <u>Line Gauthier</u> (Printed Name)  <u>Line Gauthier</u> (Signature)  <u>December 2, 2002</u> (Date of Deposit)
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TRANSMITTAL

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in the above application is a response to restriction requirement mailed on October 31, 2002. The deadline to reply is November 30, 2002, which, falling on a Saturday, can be extended to the succeeding business day or to Monday, December 2, 2002 under CFR §1.7 (a).

Although no fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. **50-0872**.

Date: December 2, 2002

FOLEY & LARDNER  
Customer Number: 30542



30542

PATENT TRADEMARK OFFICE

Telephone: (858) 847-6721  
Facsimile: (858) 792-6773

Respectfully submitted,

By

Michael A. Whittaker

Michael A. Whittaker  
Attorney for Applicant  
Registration No. 46,230

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed on October 31, 2002 ("Paper No. 7"), please consider the following remarks.

IN THE CLAIMS

Please cancel all pending claims without prejudice to their future prosecution. Please enter the following new claims:

The Examiner has divided the claims into three groups, requiring restriction of the claims to a single group for examination on the merits. These groups are:

- I: Claims 30-42, 45, and 46;
- II: Claim 43; and
- III: Claim 44.

Applicants hereby elect group I, with traverse.

According to MPEP § 803, there are two criteria for a proper requirement for restriction between patentably distinct inventions:

- (A) The inventions must be independent or distinct as claimed; and